



NEWS RELEASE

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Ninth Circuit Court of Appeals Mourns Passing of Judge Betty Binns Fletcher

SAN FRANCISCO – The Honorable Betty Binns Fletcher, a distinguished senior circuit judge of the United States Court of Appeals for the Ninth Circuit, died Monday evening (October 22, 2012) in Seattle with family members at her bedside. She was 89.

“Judge Fletcher was a remarkable woman, diminutive in size but with an indomitable spirit and a seemingly endless supply of energy,” said Ninth Circuit Chief Judge Alex Kozinski. “She was one of the hardest working judges on the Court, active or senior, and was hearing cases right up until being hospitalized last week. Her contributions to the law and to the Court have been many and she will be greatly missed.”

Judge Fletcher came onto the Court in 1979, one of four appointees of President Carter to be confirmed and commissioned just a day apart. She served as an active judge until 1998, when she agreed to take senior status to resolve a conflict in the Senate over the appointment of her son, Judge William Fletcher, to the Court.

Being senior made no difference to the elder Judge Fletcher, who continued to carry a full caseload thereafter. Last fiscal year, she sat on panels that decided more than 400 cases, including a 182 cases involving oral argument. Over the course of her 33 years on the bench, Judge Fletcher authored important opinions in many areas of the law, notably Native American tribal law, free speech, employment discrimination, environmental protection and water rights. Supreme Court reversals did not discourage her. Significant opinions include:

Pacific Legal Foundation v. State Energy Res., 659 F.2d 903 (1981): concluding that California could impose a moratorium on the construction of new nuclear plants

Thompson v. Calderon, 120 F.3d 1045 (9th Cir. 1997) (en banc): recalling the mandate and staying execution for a condemned prisoner due to grave questions concerning innocence

Johnson v. Transp. Agency, 748 F.2d 1308 (9th Cir. 1984): upholding a gender-based affirmative action program to remedy the historical imbalance of the agency's workforce.

Natural Resources Defense Council v. Winter, 518 F.3d 658 (9th Cir. 2008): affirming preliminary injunction against the Navy's use of sonar exercises that were likely to result in injuries to marine mammals.

Judge Fletcher was considered a trailblazer for women in the law. The Tacoma native earned her undergraduate degree at Stanford University in 1943, and began law school at Stanford while an undergraduate. She completed approximately one year of law school when her husband, the late Robert L. Fletcher, was assigned to a Navy anti-submarine station in New Jersey during World War II. Settling in the Pacific Northwest after the war, Judge Fletcher became a homemaker caring for the couple's four children. She returned to law school at the University of Washington School of Law in 1954 and received her LL.B. in 1956, finishing first in her class and graduating Phi Beta Kappa and Order of the Coif.

Although most Seattle law firms did not employ women lawyers at the time, Judge Fletcher was hired in 1956 by the law firm of Preston, Thorgrimson & Horowitz. She worked there for 23 years, becoming the first woman partner at a major Pacific Northwest law firm, which later became Preston, Thorgrimson, Ellis, Holman & Fletcher. Among her clients was Justice William O. Douglas. She was the first woman elected president of the Seattle-King County Bar Association and the first woman governor of the Washington State Bar Association. She also served as co-chair of the committee that passed the Equal Rights Amendment to the state constitution, and helped secure the State Legislature's passage of the federal Equal Rights Amendment.

In 2007, the King County Bar Association bestowed its highest honor, the William L. Dwyer Outstanding Jurist Award, to Judge Fletcher, and she was the guest of honor in 2010 at a University of Washington School of Law symposium focusing on her life in the law.

"Mom was a wonderful judge – always caring in her concern for fairness, and always careful in her legal analysis," said Judge William Fletcher. "She spoke truth to power, and just as important she spoke truth in exercising power. She has been my inspiration and model."

Other colleagues offered these recollections and remarks on Judge Fletcher's passing:

"Betty was one of the greatest women I have ever been privileged to know. She has been one of my closest and dearest friends for over 30 years. Her character, courage and dedication to the poor, homeless, the immigrant and to giving all access to justice, were just a few of her incredible attributes. Her generosity in serving the needs of others and her caring about those in distress and subject to injustice were saint like qualities. We have lost an amazing human being." – Senior Circuit Judge Dorothy W. Nelson of Pasadena

"Betty Fletcher was the best. We won't get another judge like her in the foreseeable future, if ever – on this circuit or any other. Let us never forget her courage, brilliance, integrity, compassion, concern for humanity and understanding of the true purpose of the law - justice." – Judge Stephen Reinhardt of Los Angeles

"Courage and strength of character were Betty's trademarks. She was a great and good friend for more than three decades and I will never forget her." – Senior Circuit Judge Mary M. Schroeder of Phoenix

"From the time I arrived in Seattle as a young associate to my time on the court, Betty was an incredible friend and mentor. To my good fortune, she was on the selection committee for the White House Fellows. When I came to the court, she was my "buddy judge" and sounding board. She was a trailblazer in so many ways--as the only woman in her law school class, as a pioneer in commercial practice in Seattle, and as president of the Federal Judges Association. She touched the lives of so many. She will be remembered for what she valued most--justice, careful scholarship, community service and commitment to her family. I will miss her terribly." – Circuit Judge M. Margaret McKeown of San Diego

"Bern and I have been friends of the Fletcher family for over thirty years. Betty had a very keen and strong sense of social justice. She was a powerful advocate for women's rights and for the right of every person in their daily lives to be free from discrimination. She didn't care for people who pushed other people around. She stood up for what was right and fair. She never wavered in her quest for freedom and justice for all, including the poor, the dispossessed, and the undocumented immigrant. Beneath her soft-spoken presence was a formidable, brilliant woman with an indomitable spirit." – Circuit Judge Harry Pregerson of Woodland Hills, California

In addition to Judge William Fletcher, survivors include two daughters, Professor Susan French of Los Angeles and Kathy Fletcher of Seattle; another son, Dr. Paul Fletcher, also of Seattle; eight grandchildren; and three great-grandchildren.

A memorial will be held November 10 at noon in Benaroya Hall, 200 University Street, Seattle.

The Fletcher family requests that remembrances be made to the Betty B. and Robert L. Fletcher Scholarship Fund at the UW School of Law or to InvestEd.org.

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